



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,241	02/02/2004	James A. Laugharn JR.	P2028-702920	9463
37462	7590	06/16/2009	EXAMINER	
LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142			MCKANE, ELIZABETH L	
		ART UNIT		PAPER NUMBER
		1797		
			NOTIFICATION DATE	DELIVERY MODE
			06/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ll-a.com  
gengelson@ll-a.com

<b>Advisory Action</b> <i>After the Filing of an Appeal Brief</i>	Application No.	Applicant(s)
	10/770,241	LAUGHARN ET AL.
	Examiner ELIZABETH L. MCKANE	Art Unit 1797

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 10 January 2008 is acknowledged.

1.  The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
  - a.  The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
  - b.  The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).
2.  The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3.  The reply is entered. An explanation of the status of the claims after entry is below or attached.

4.  Other: The status of the claims after entry is as follows -

Claims 1, 2, 6, 7, 9-14, and 32-37 are rejected. The Amendment After Final of 01/10/2008 overcomes the rejections under 35 U.S.C. 112 and the Claim Objections.

/Elizabeth L McKane/  
Primary Examiner, Art Unit 1797